

Creighton

UNIVERSITY

June 15, 2016

Dr. Marybeth Canning
Creighton University
2500 California Plaza
Omaha, NE 68178

Dear Dr. Canning:

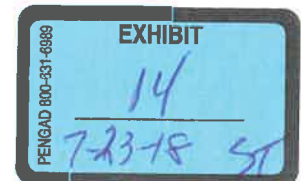
I am writing to communicate the findings of my preliminary investigation into your grievance filed with GME on February 27, 2016. The University policy on Sexual Violence, Harassment, Discrimination, and Grievances allows for an initial investigation to determine if there are facts sufficient to believe that a potential violation of University policy has occurred.

We first met on Friday, May 13, 2016 to discuss your concerns and we met again on Wednesday, May 18, 2016 to finish our conversation. From our two meetings and your written documentation, you communicated the following concerns regarding your interactions with Dr. Gaurev Goyal:

- Dr. Goyal asked you about a patient you transferred to the ICU while you were working at the VA. You said you were uncomfortable with the question and the comment he made. Around the same time, another resident was terminated from the ICU and you indicated that this individual may have been a friend of Dr. Goyal.
- While meeting with Dr. Lambrecht, you expressed concern about Dr. Goyal and said he “did not care about notes getting done.” You also indicated that the door was slightly ajar and Dr. Goyal may have heard your comments.
- You indicated that there was an exchange in December 2015 in front of Dr. Fox where you corrected Dr. Goyal regarding an order. You also mentioned an incident involving a patient who had deteriorated after you saw them that morning.
- While working with Dr. Abu Hazeem, you said that Dr. Goyal made a joke about dementia and that Dr. Abu Hazeem had noticed that “things were not good” between you and Dr. Goyal.

• Office of Equity and Inclusion •
2500 California Plaza • Omaha, Nebraska 68178

Exhibit 10(b)



I have had the opportunity to follow-up on these concerns and wanted to share the following information with you.

- Dr. Porter shared that the resident who was terminated from the VA had nothing to do with you or Dr. Goyal. She indicated that this situation was completely outside of anything you were involved with. Dr. Porter is not aware of Dr. Goyal's relationship with this individual, but since this termination was not related to you, Dr. Goyal would not have associated you with this action.
- You described the question about the move of a patient to the ICU as related to your medical decision. Since you did not share any additional statements or comments that would indicate the question was about anything other than your medical decision, I did not find this interaction to be discriminatory or harassing in nature.
- Dr. Lambrecht shared that he recalled your concerns to be about Dr. Goyal "rushing" you and feeling as though you did not have time to complete your work. He said he was unsure if Dr. Goyal heard your comments and said that Dr. Goyal did not say anything to him about your comments.
- Dr. Lambrecht did not identify any harassment or discrimination in recollection of events involving you and Dr. Goyal. He indicated that Dr. Goyal may have been "frustrated" by your skill level at times, but Dr. Lambrecht did not perceive Dr. Goyal's comments or actions to be harassment.
- Dr. Abu Hazeem said that he did notice things were "not good" between you and Dr. Goyal, but the comment was made in regards to Dr. Goyal being "overly protective" of patients. Dr. Abu Hazeem said he spoke with Dr. Goyal about allowing you teaching opportunities under his supervision, but did not tell him anything else. Dr. Abu Hazeem does not recall any situations of harassment or discrimination involving Dr. Goyal.

I did not find any evidence to indicate that Dr. Goyal put forth any harm or job consequences for you. When I spoke with Dr. Porter, she confirmed that Dr. Goyal had no input into decisions related to your residency, as he was a resident himself. She said that all decisions related to your position were made by the Internal Medicine Program's Clinical Competency Committee.

Additionally, I spoke with Dr. Abu Hazeem and Dr. Lambrecht, two individuals who you suggested had knowledge of Dr. Goyal's interactions with you. Neither of them observed any harassment or discrimination on the part of Dr. Goyal.

In addition to your above listed concerns, you presented me with a request on May 18, 2016 to review Dr. DeVrieze's performance evaluation, specifically in regards to an answer he indicated was incorrect. You asked for Dr. Silberstein to review the appropriateness of this answer. In addition, you asked to review this evaluation with Dr. DeVrieze and were denied that request and wanted to know if that was in conformance with GME policy. Finally, you asked for access to all of your evaluations, including those done by peers and medical students.

On May 23, 2016, I sent you an update and let you know that Dr. Porter confirmed all residents only have access to faculty evaluations, not evaluations done by other residents or medical students. Also, when we met on May 18, I shared with you that I would not contact Dr. Silberstein regarding your medical question, as that is outside of my office scope. My office specifically reviews complaints of harassment and discrimination.

Regarding your request for review of your evaluation:

- You submitted a request to Dr. Cichowski on March 2 for a review of your evaluation with Dr. Devrieze and this request was denied on March 7.
- Per GME policy "Resident Due Process and Grievance Policy" Section 2, residents have a series of steps they can take to challenge a performance evaluation. Per policy, the program director can choose to uphold the evaluation, which is what happened on March 7. There is an appeal option listed within the policy if you would like to challenge that decision and that appeal would go before the Clinical Competency Committee.

Having conducted a thorough review of your allegations in relation to the Sexual Violence, Harassment, Discrimination, and Grievances policy, **I have not found facts sufficient to believe that a potential violation of the policy, specifically harassment or discrimination, has occurred.** At this time, my office will not pursue any further action regarding your grievance.

Thank you for taking the time to report this to the Office of Equity and Inclusion and speaking with me regarding your concerns.

Sincerely,



Allison S. Taylor, M.S. Ed
Executive Director
Office of Equity and Inclusion

cc: File